

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY LAUER,

Plaintiff,

v.

LONGEVITY MEDICAL CLINIC, PLLC, a
Washington corporation; LONGEVITY
LABORATORY, LLC, a Washington
corporation; LONGEVITY DEVELOPMENT,
LLC, a Washington corporation; SETH
TALBOTT and his marital community; and
MICHELLE OLSON and her marital community,

Defendants.

No. 2:13-cv-00860-JCC

DECLARATION OF PAUL WOODS IN
SUPPORT OF PLAINTIFF'S MOTION
TO COMPEL RESPONSES TO
DISCOVERY

1 I, PAUL WOODS, being duly sworn on oath under penalty of perjury under the laws of
2 the United States and Washington State depose and say:

3 1. I am an attorney at The Blankenship Law Firm, P.S., counsel of record for
4 Plaintiff Mindy Lauer in the above-captioned matter.

5 2. I am over the age of eighteen and am competent to testify to the matters set
6 forth herein based upon my personal knowledge.

7 3. As explained in more detail in the Complaint for Damages, *Dkt. 1*, Ms. Lauer is
8 suing Defendants for discrimination and retaliation. As explained in the Complaint, Ms. Lauer
9 alleges that Defendants retaliated against her when she opposed race discrimination against
10 Persian/Middle Eastern employees. Her opposition included providing a statement to Dr.
11 Kambiz Yaraei when he sued Defendants for race discrimination. When Defendants learned
12 about Ms. Lauer's opposition to race discrimination, Defendant Seth Talbott (CEO of the
13 Corporate Defendants) and Defendant Michelle Olson (Talbott's subordinate, who was also
14 Ms. Lauer's supervisor) pulled Ms. Lauer into meeting and berated her, said they lost trust in
15 her, and accused her of costing Defendants as much money as Talbott spent on his first house.
16 *See Dkt. 1*. Defendants then retaliated against Ms. Lauer, including making demeaning
17 comments about her to coworkers, writing her up for false reasons, and secretly meeting with
18 coworkers and asking them to produce false information to get Ms. Lauer fired. *See Dkt. 1*.

19 4. As part of the false write-ups, Defendants wrote up Ms. Lauer under an anti-
20 fraternization policy for allegedly being "aware" of problems between two coworkers who
21 were dating—Ms. Maria Fox and Dr. Timothy Kennedy (even though Fox and Kennedy
22 worked in a different city than Ms. Lauer and Ms. Lauer was not aware of problems in their
23 relationship). *See Dkt. 1*. Supervisor Bia Remen, meanwhile, not only worked in the same
24 office as Fox and Kennedy, but Remen set the two up on their first date in violation of the anti-
25 fraternization policy. Attached as Exhibit A is a true and correct copy of an email from
26 Defendants' employee Chari Sewell to Defendant Olson, in which Ms. Sewell clearly explains

1 that Supervisor Remen (not Ms. Lauer) set up Ms. Fox and Dr. Kennedy to date. The email
2 contains a statement of Defendants' anti-fraternization policy.

3 5. Somehow, Defendants disciplined Ms. Lauer for Ms. Fox' and Dr. Kennedy's
4 relationship, even though she had nothing to do with it. *See Dkt. 1*. Meanwhile, it appears that
5 no one else was disciplined for this. Thus, Ms. Lauer was treated with a clear double
6 standard—she was disciplined for the actions of other people who themselves appear to have
7 received no discipline. This is more evidence of retaliation

8 6. Ms. Lauer's Complaint further alleges that Ms. Lauer suffered great stress and
9 medically-diagnosed disabilities as a result of the retaliation, which required her to take a
10 medical leave of absence. In an act of retaliation and disability-based-discrimination,
11 Defendants fired Ms. Lauer while she was on leave and/or constructively fired her by sending
12 her an email that revealed they were seeking to hire someone to replace Ms. Lauer. *See Dkt. 1*.

13 7. Ms. Lauer's Complaint further alleges that Defendants discriminated against
14 other people based on their Middle Eastern/Persian race. For example, the Complaint
15 specifically identifies Dr. Kambiz Yaraei and Ms. Lobat Kimiai as others who were
16 discriminated against based on their Middle Eastern/Persian race. The Complaint for Damages
17 and the Declaration of Mindy Lauer, which is being submitted along with this Declaration,
18 provide more information about the discrimination suffered by Dr. Yaraei and Ms. Kimiai.

19 8. Given Defendants' pattern of discrimination, Ms. Lauer has propounded
20 discovery requests seeking evidence of (1) Defendants' discrimination against employees of
21 certain Protected Groups (Middle Eastern, disabled, opposed discrimination), and (2) evidence
22 that employees outside those groups were treated better than employees within the Protected
23 Groups (thus proving a pattern of discrimination).

24 9. To that end, on November 12, 2013, my office propounded Plaintiff's First Set
25 of Interrogatories and Requests for Production to Defendant Longevity Medical Clinic, PLLC.
26 Requests for production ("RFP") numbers G through X requested production of the personnel

1 files of 18 employees of the Corporate Defendants, including Tish McAlpin, Defendant Seth
 2 Talbott, Kambiz Yaraei, Lobat Kimiai, Defendant Michelle Olson, Bia Remen, Terry Craig,
 3 Chris Cano, Flo Siguenza, Jennifer Adams, Maria Fox, Lyndon Capon, Jennifer Tager, Chari
 4 Sewell, Crystal Priddy, Jerry Mixon (founder and co-owner of Corporate Defendants), Jason
 5 Foltz, and Sarah Bingisser. RFP number Y additionally requested production of the personnel
 6 files of anyone identified in Defendants' Initial Disclosures, which includes three additional
 7 employees of Defendants: CFO Bob Wagner, Michelle Prevette, and Josh Glandon (it also
 8 includes employees such as owner Jerry Mixon and Defendants Talbott and Olson, whose
 9 personnel files Plaintiff separately requested as noted above). Attached as Exhibit B is a true
 10 and correct copy of the relevant portions of Plaintiff's First Set of Interrogatories and Requests
 11 for Production to Defendant Longevity Medical Clinic, PLLC.

12 10. Attached as Exhibit C is a true and correct copy of Defendants' Initial
 13 Disclosures.

14 11. As explained in more detail in the Declaration of Mindy Lauer, which is
 15 submitted along with this declaration, every requested personnel file corresponds to one of the
 16 following: (1) fellow members of the Protected Groups who appear to have also suffered
 17 discrimination/retaliation; (2) employees outside the Protected Groups who appear to have
 18 been systematically treated better than the people within the Protected Groups, thus proving
 19 that Defendants treat members of the Protected Groups differently and discriminatorily; (3) the
 20 alleged discriminators themselves, and (4) officers of Corporate Defendants who Defendants
 21 listed in initial disclosures, who appear to have approved of the discriminators' actions.

22 12. The District Court for the Western District of Washington has already ruled that
 23 personnel records, like the ones requested in this case, are discoverable in discrimination and
 24 retaliation cases. For example, attached as Exhibit D is a true and correct copy of a 2011 order
 25 from Judge Lasnik in the retaliation lawsuit *EEOC v. Fry's Electronics, Inc.*, No. C10-1562
 26 RSL. In this order, Judge Lasnik ordered the production of the entire personnel file of a

1 potential witness who was rumored to have complained about discrimination. In that order,
2 Judge Lasnik noted that defendants should not be allowed to pick and choose which personnel
3 documents are discoverable, because that would grant defendants too much discretion in the
4 discovery process. For example, defendants could claim that actions of managers, which were
5 in fact harassing/discriminating, were completely fine and on that basis try to claim that the
6 documents were irrelevant. As Judge Lasnik explained in his order, it is simply impossible for
7 plaintiffs or the courts to identify in the abstract every type of document in a personnel file that
8 could contain admissible evidence.

9 13. Defendant Longevity Medical Clinic has refused to produce any requested
10 personnel files, other than the personnel file of Ms. Lauer herself and some personal records of
11 named Defendants Olson and Talbott. On January 13, 2014, my office received Defendant's
12 answers to the requested discovery. Defendant refused to produce any personnel files as
13 requested in RFP numbers G-Y. Attached as Exhibit E is a true and correct copy of the relevant
14 portions of Defendant's responses to Plaintiff's First Set of Interrogatories and Requests for
15 Production.

16 14. On March 18, 2014 I conferred telephonically with Mr. David Silke—counsel
17 for Defendants—on this issue. In that conference, Mr. Silke informed me that Defendants
18 would not produce entire personnel files, and that Plaintiff could ask for certain specific
19 documents instead. In response, I informed Mr. Silke that there is federal court precedent
20 granting the production of such personnel files in their entirety, as (1) it is impossible for
21 plaintiffs to guess what specific documents might or might not be in personnel files they are
22 not allowed to review, and (2) Federal Rule of Civil Procedure 26 allows discovery if a party
23 requests production of evidence that is reasonably calculated to lead to the discovery of
24 evidence admissible at trial. Thus, it does not matter if certain personnel documents are not
25 admissible, as production of the requested personnel files is reasonably calculated to lead to the
26 discovery of admissible evidence.

1 15. Mr. Silke then told me that he would review the requested personnel files in
2 their entirety and, if Defendant Longevity was willing to supplement with the production of
3 any personnel files/documents, Defendant would so supplement by March 25, 2014.

4 16. On March 27, 2014, my office received Defendant's supplemental answers to
5 the requested discovery. In their supplemental responses, Defendant continues to refuse to
6 produce any of the personnel files requested in RFP number G-Y. In their response to RFP
7 number G, Defendant confirms that Defense Counsel reviewed the requested personnel files in
8 their entirety, yet still refuses to produce the personnel files. Attached as Exhibit F is a true and
9 correct copy of the relevant portions of Defendant's supplemental responses to Plaintiff's First
10 Set of Interrogatories and Requests for Production.

11 17. In an attempt to compromise in this discovery dispute, on July 2, 2014, I sent a
12 letter to Defense Counsel Angela Vogel, in which Plaintiff offered to narrow the scope of
13 production for the 21 requested personnel files. In that letter, I proposed that Defendant
14 produce the following categories of personnel documents in response to RFPs G-Y:

- 15 • Documents related to qualifications, including applications, resumes, cover
- 16 letters, job history, licenses/degrees, etc.
- 17 • Documents related to job performance, including reviews (positive and
- 18 negative), customer and/or patient comments and complaints, commendations,
- 19 etc.
- 20 • Documents related to job history, including pay, bonuses, benefits, raises,
- 21 promotions, demotions, job descriptions, resignation/termination records,
- 22 applications for promotions/transfers and the result of such applications, etc.
- 23 • Documents related to discipline, complaints (made by or against the employees
- 24 for any reason, including allegations of discrimination), investigations into
- 25 complaints, etc.
- 26 • Medical records, requested leaves of absence, the grant/denial of any such
- requests, etc.
- Any records reflecting the race, national origin, and disability-related status of
- the employees

Attached as Exhibit G is a true and correct copy of my July 2 letter.

18. On July 8, 2014, Ms. Vogel sent me a letter in response to my July 2 letter. In
her letter, Ms. Vogel agreed to produce some personnel records of Defendant Olson and

1 Defendant Talbott, but stated that “irrelevant and personal portions such as medical, family,
2 and insurance information” will not be produced. Ms. Vogel’s letter indicates that Defendants
3 will not produce any of the requested records for anyone other than Defendants Olson and
4 Talbott, even after my letter proposed narrowing the scope of the production. Attached as
5 Exhibit H is a true and correct copy of Ms. Vogel’s letter.

6 19. On July 8, 2014, I sent Ms. Vogel a letter in response to her letter from earlier
7 that day. In my letter, I reiterated that Plaintiff continues to propose that Defendant Longevity
8 produce the records identified in my July 2 letter, which is narrower than the scope of
9 production that Plaintiff originally requested. I explained that theses narrowed categories of
10 documents are discoverable, and I reminded Ms. Vogel that Defendant was supposed to
11 produce these documents more than five months ago. I also invited Ms. Vogel to confer with
12 me again on this discovery dispute. Attached as Exhibit I is a true and correct copy of my July
13 8 letter.

14 20. On July 9, 2014, I conferred telephonically with Ms. Vogel regarding this
15 dispute. Ms. Vogel confirmed to me that Defendants would not produce any personnel records
16 of anyone other than Ms. Lauer and the two individual defendants, Olson and Talbott. Ms.
17 Vogel proposed that the parties submit all of the requested personnel files to this Court, and
18 burden this Court with reviewing each document *in camera*. Without this Court engaging in *in*
19 *camera* review and ordering production, Ms. Vogel confirmed that Defendants will not
20 produce the requested documents.

21 21. At this point, production of the requested records is more than five months
22 overdue. This Court should not be burdened with reviewing every single page of the requested
23 personnel records—records that are standard discovery in discrimination/retaliation lawsuits.
24 Nor should Ms. Lauer be forced to wait extra time for a review of every document. Production
25 is well overdue, and my office has repeatedly conferred with Defense Counsel on this issue.
26

1 Therefore, Ms. Lauer is moving this Court to order production of the categories of documents
2 listed above in Paragraph 17.
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5 I declare under penalty of perjury under the laws of the United States and Washington
6 State that the foregoing is true and correct to the best of my knowledge and belief.
7

8 SWORN TO this 10th day of July, 2014 at Seattle, Washington.
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11 By: s/ Paul S. Woods
12 Paul S. Woods, WSBA No. 42976
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DECLARATION OF SERVICE

The undersigned hereby declares under penalty of perjury under the laws of the State of Washington that, on the below date, I mailed or caused delivery and/or electronically filed a true copy of this document, which will send notification of such filing, to the following persons:

David W. Silke, Esq.
Brittany F. Stevens, Esq.
Angela Vogel, Esq.
Gordon & Rees LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822
Email: dsilke@gordonrees.com
bstevens@gordonrees.com
avogel@gordonrees.com

Attorneys for Defendants

DATED this 10th day of July, 2014, at Seattle, Washington.

s/ Paul S. Woods

Paul S. Woods, WSBA No. 42976
The Blankenship Law Firm, P.S.
1000 Second Avenue, Suite 3250
Seattle, WA 98104
Telephone: (206) 343-2700
Fax: (206) 343-2704
Email: pwoods@blankenshiplawfirm.com

Exhibit A

From: Chari Sewell
Sent: Jun 23, 2011 08:46:47
To: Suzan Sturholm
Cc:
Bcc:
Subject: help!

rey:

So during your safety meeting I guess Bia Set up Dr. Kennedy & Maria (MA) to start dating !!!!! so now they have been emailing each other on LMC email off and on during the day. Also other people heard Bia talking to her so this is not going to be contained. I know that LMC can look at your e-mails anytime they want, and per the hand book:

LMC strongly discourages romantic or sexual situations involving clients or between employees, regardless as to whether both parties welcome the relationship or not. Such a relationship may lead to charges of favoritism, discrimination, and claims of sexual harassment. While LMC has no interest to interfere with employees' personal lives or their conduct away from the workplace, such behavior can have a negative impact on the work environment. Therefore, LMC reserves the right to take appropriate action to protect LMC's interests. These actions may include reassignment, demotion or termination.

Mindy wanted to talk to her but really wasn't sure how far to take this.

Chari Sewell

Accounts Payable & Payroll Lead

Longevity Development

425.605.8715 Direct

425.654.0211 Fax

LMC001447

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LMC001448

Exhibit B

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY LAUER,

Plaintiff,

v.

LONGEVITY MEDICAL CLINIC, PLLC, a
Washington corporation; LONGEVITY
LABORATORY, LLC, a Washington
corporation; LONGEVITY DEVELOPMENT,
LLC, a Washington corporation; SETH
TALBOTT and his marital community; and
MICHELLE OLSON and her marital community,

Defendants.

No. CV 13-0860 JCC

PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO DEFENDANT
LONGEVITY MEDICAL CLINIC,
PLLC

1 K. The term “**identify**,” when used with respect to a statement, contact or
 2 communication, means: (1) to state whether it was written or oral, and if written to identify
 3 each document comprising or evidencing such statement, contact or communication; (2) to
 4 state the date and place of such statement, contact or communication; and (3) to identify each
 5 person participating therein and each person who was present at the place or places of such
 6 statement, contact or communication, or, if not known or recalled by you, the substance of such
 7 statement, contact or communication.

8 L. The term “**identify**,” when used with respect to an act, incident, event, conduct,
 9 occurrence or dealing, means: (1) to state the date(s) and place(s) thereof; (2) to identify all
 10 individuals involved and the nature of their involvement and all witnesses thereto; (3) to
 11 identify all communications pertaining thereto; (4) to provide a description and to state the
 12 substance thereof; and (5) to state the effect, result or disposition thereof.

13 M. The terms “**and**” and “**or**” shall be construed either disjunctively or
 14 conjunctively whenever appropriate in order to bring within the scope of these interrogatories
 15 information or documents which might otherwise be considered to be beyond their scope.

16 N. The singular form of a word shall be interpreted as plural and the plural form of
 17 a word shall be interpreted as singular whenever appropriate in order to bring within the scope
 18 of these interrogatories any information which might otherwise be considered to be beyond
 19 their scope.

20 O. The term “**referring to**” or “**relating to**” any given subject, means any
 21 document, communication or statement that constitutes, contains, embodies, evidences,
 22 reflects, identifies, shows, states, analyzes, supports, refutes, refers to, deals with, arises from,
 23 is connected with, responds to, or is in any manner whatsoever pertinent to that subject.

24 P. “**Personnel files**” shall mean those documents, whether stored in physical form
 25 such as in paper files or electronically such as on computer disk or hard drive, which in any
 26 way reflect the employment history, employment status, work assignments, compensation,

1 supervisory relationships, promotion, reassignment, discipline, and termination, for whatever
 2 reason, of the named individual for which they are requested. Any request for personnel files
 3 encompasses all files maintained at all locations that collectively reflect the employment
 4 history of the named individual, including files maintained at locations other than Defendants'
 5 facilities where Plaintiff was employed or the vehicle that Defendants furnished.

6 Q. "Statement" shall mean any recording of the words, voice, or images of a
 7 witness contacted by Defendants regarding the above-captioned action, whether recorded on
 8 paper in the form of notes or reports, audiotape, videotape, computer disk or hard drive,
 9 stenographically, or by any other written, electronic or visual means, of the witness' answers to
 10 questions posed by Defendants, its agents, attorneys, or representatives relating to any matter
 11 referred to by Plaintiff in Plaintiff's Complaint, by Defendants in Defendants' Answer to
 12 Plaintiff's Complaint, or occurring through Defendants' investigation or discovery in this
 13 matter.

14 R. The term "conduct" means any act of commission, omission, or action or
 15 inaction.

16 S. Any other words used in these discovery requests are defined according to
 17 standard American use, as shown in a dictionary of the English language.

18 **INTERROGATORIES AND REQUESTS FOR PRODUCTION**

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 21 **INTERROGATORY NO. 1:** Identify, including supplying current phone numbers and
 22 addresses, or last known phone numbers and addresses if no current contact information is in
 23 Defendant's possession, custody or control, each employee who worked directly with
 24 Plaintiff Mindy Lauer in any capacity and at any time (including supervising Plaintiff).

25 **ANSWER:**

1 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. F:** Produce all versions of job descriptions existing
6 between January 2006 **and** present for all positions held by **Plaintiff**.

7 **RESPONSE:**

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11 **REQUEST FOR PRODUCTION NO. G:** Produce the entire **personnel file** of Tish
12 McAlpin. This includes, but is not limited to, any **document** which reflects employment
13 history, employment status, work assignments, compensation **and** benefits, bonuses,
14 supervisory relationships, evaluations, performance reviews, promotions, reassignment,
15 complaints, disciplining, **and** termination of employment while she was employed by
16 **Defendant**.

17 **RESPONSE:**

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21 **REQUEST FOR PRODUCTION NO. H:** Produce the entire **personnel file** of Seth Talbott.
22 This includes, but is not limited to, any **document** which reflects employment history,
23 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
24 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
25 disciplining, **and** termination of employment while he was employed by **Defendant**.

26 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. I:** Produce the entire **personnel file** of Kambiz
5 Yaraei. This includes, but is not limited to, any **document** which reflects employment history,
6 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
7 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
8 disciplining, **and** termination of employment while he was employed by **Defendant**.

9 **RESPONSE:**
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13 **REQUEST FOR PRODUCTION NO. J:** Produce the entire **personnel file** of Lobat
14 Kimiai. This includes, but is not limited to, any **document** which reflects employment history,
15 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
16 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
17 disciplining, **and** termination of employment while he was employed by **Defendant**.

18 **RESPONSE:**
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22 **REQUEST FOR PRODUCTION NO. K:** Produce the entire **personnel file** of Michelle
23 Olson. This includes, but is not limited to, any **document** which reflects employment history,
24 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
25 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
26 disciplining, **and** termination of employment while she was employed by **Defendant**.

1 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. L:** Produce the entire **personnel file** of Bia Remen.

6 This includes, but is not limited to, any **document** which reflects employment history,
7 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
8 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
9 disciplining, **and** termination of employment while she was employed by **Defendant**.

10 **RESPONSE:**

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14 **REQUEST FOR PRODUCTION NO. M:** Produce the entire **personnel file** of Terry Craig.

15 This includes, but is not limited to, any **document** which reflects employment history,
16 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
17 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
18 disciplining, **and** termination of employment while she was employed by **Defendant**.

19 **RESPONSE:**

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23 **REQUEST FOR PRODUCTION NO. N:** Produce the entire **personnel file** of Chris Cano.

24 This includes, but is not limited to, any **document** which reflects employment history,
25 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
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relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

REQUEST FOR PRODUCTION NO. O: Produce the entire **personnel file** of Flo Siguenza. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

REQUEST FOR PRODUCTION NO. P: Produce the entire **personnel file** of Jennifer Adams. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. Q:** Produce the entire **personnel file** of Maria Fox.
2 This includes, but is not limited to, any **document** which reflects employment history,
3 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
4 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
5 disciplining, **and** termination of employment while she was employed by **Defendant**.

6 **RESPONSE:**
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10 **REQUEST FOR PRODUCTION NO. R:** Produce the entire **personnel file** of Lyndon
11 Capon. This includes, but is not limited to, any **document** which reflects employment history,
12 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
13 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
14 disciplining, **and** termination of employment while he was employed by **Defendant**.

15 **RESPONSE:**
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19 **REQUEST FOR PRODUCTION NO. S:** Produce the entire **personnel file** of Jennifer
20 Tager. This includes, but is not limited to, any **document** which reflects employment history,
21 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
22 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
23 disciplining, **and** termination of employment while she was employed by **Defendant**.

24 **RESPONSE:**
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2 **REQUEST FOR PRODUCTION NO. T:** Produce the entire **personnel file** of Chari
3 Sewell. This includes, but is not limited to, any **document** which reflects employment history,
4 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
5 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
6 disciplining, **and** termination of employment while she was employed by **Defendant**.

7 **RESPONSE:**
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11 **REQUEST FOR PRODUCTION NO. U:** Produce the entire **personnel file** of Crystal
12 Priddy. This includes, but is not limited to, any **document** which reflects employment history,
13 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
14 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
15 disciplining, **and** termination of employment while she was employed by **Defendant**.

16 **RESPONSE:**
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20 **REQUEST FOR PRODUCTION NO. V:** Produce the entire **personnel file** of Jerry Mixon.
21 This includes, but is not limited to, any **document** which reflects employment history,
22 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
23 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
24 disciplining, **and** termination of employment while he was employed by **Defendant**.

25 **RESPONSE:**
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2 **REQUEST FOR PRODUCTION NO. W:** Produce the entire **personnel file** of Jason Foltz.

3 This includes, but is not limited to, any **document** which reflects employment history,
4 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
5 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
6 disciplining, **and** termination of employment while he was employed by **Defendant**.

7 **RESPONSE:**
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11 **REQUEST FOR PRODUCTION NO. X:** Produce the entire **personnel file** of Sarah
12 Bingisser. This includes, but is not limited to, any **document** which reflects employment
13 history, employment status, work assignments, compensation **and** benefits, bonuses,
14 supervisory relationships, evaluations, performance reviews, promotions, reassignment,
15 complaints, disciplining, **and** termination of employment while she was employed by
16 **Defendant**.

17 **RESPONSE:**
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21 **REQUEST FOR PRODUCTION NO. Y:** Produce the entire **personnel files** for every
22 individual **identified** in **Defendants'** initial disclosures **or** incorporated by reference.

23 **RESPONSE:**
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3 **REQUEST FOR PRODUCTION NO. CCC: Privilege or non-production log: Identify all**
4 **documents** which are being withheld from production by virtue of any privilege of non-
5 production **or** for any other reason (for example, the work product doctrine), **identifying** each
6 **document** by its name, date, author **and** recipient, subject matter, the number of the
7 interrogatory **or** request for production to which it is responsive, **and identifying** in detail the
8 factual basis for withholding it from production.

9 **RESPONSE:**
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12 DATED this 12th day of November, 2013.

13 THE BLANKENSHIP LAW FIRM, P.S.

14
15 By: 

16 Scott C. G. Blankenship, WSBA No. 21431

17 Paul S. Woods, WSBA No. 42976

18 The Blankenship Law Firm, P.S.

19 1000 Second Avenue, Suite 3250

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23 Email: sblankenship@blankenshiplawfirm.com

24 pwoods@blankenshiplawfirm.com

25 Attorneys for Plaintiff
26

Exhibit C

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY LAUER

Plaintiff,

vs.

LONGEVITY MEDICAL CLINIC, PLLC, a
Washington corporation; LONGEVITY
LABORATORY, LLC, a Washington
corporation; LONGEVITY DEVELOPMENT,
LLC, a Washington corporation; SETH
TALBOTT and his marital community; and
MICHELLE OLSON and her marital
community

Defendant.

NO. 2:13-cv-00860

DEFENDANTS' INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendants Longevity Medical Clinic, PLLC; Longevity Laboratory, LLC; Longevity Development, LLC; Seth Talbott; and Michelle Olson (collectively "Defendants") make the following disclosures:

WITNESSES

The following witnesses have knowledge regarding the operations, procedures, and policies of Defendants, Plaintiff's job duties, responsibilities, job performance, resignation, and other matters relating thereto. These witnesses also have knowledge regarding Defendants' defenses to Plaintiff's claims:

DEFENDANTS' INITIAL
DISCLOSURES -1

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

1 **1. Mindy Lauer**

2 Defendants reserve the right to call Plaintiff Mindy Lauer with respect to all issues within
3 her knowledge relevant to this case.

4 **2. Dr. Jerry Mixon**

5 Founder and Owner of Longevity Medical Clinic, PLLC, Longevity Laboratory,
6 LLC, and Longevity Development, LLC
7 c/o David Silke, Attorney for Defendants
8 Gordon & Rees LLP
9 701 Fifth Avenue, Suite 2100
10 Seattle, WA 98104
11 (206) 695-5100

12 **3. Seth Talbott**

13 CEO of Longevity Development, LLC
14 c/o David Silke, Attorney for Defendants
15 Gordon & Rees LLP
16 701 Fifth Avenue, Suite 2100
17 Seattle, WA 98104
18 (206) 695-5100

19 **4. Michelle Olson**

20 Director of Operations of Longevity Development, LLC
21 c/o David Silke, Attorney for Defendants
22 Gordon & Rees LLP
23 701 Fifth Avenue, Suite 2100
24 Seattle, WA 98104
25 (206) 695-5100

26 **5. Bob Wagner**

 CFO of Longevity Development, LLC
 c/o David Silke, Attorney for Defendants
 Gordon & Rees LLP
 701 Fifth Avenue, Suite 2100
 Seattle, WA 98104
 (206) 695-5100

 The following witnesses have knowledge regarding Plaintiff's misconduct prior to her
 resignation:

6. Josh Glandon

 Former Medical Assistant employed by Defendants
 109 Pacific Avenue S.

DEFENDANTS' INITIAL
DISCLOSURES -2

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

Pacific, WA 98047
Phone Number: (256) 886-0097

7. **Jason Foltz**
Medical Assistant employed by Defendants
1309 Steele Creek Dr.
Bremerton, WA 98311
Phone Number: (360) 343-2349

8. **Michele Prevette**
P.O. Box 1489
Maple Valley, WA 98038
Phone Number: (206) 819-2508

9. **Chris Cano**
9059 46th Pl. W.
Mukilteo, WA 98275
Phone Number: (425) 299-7326

The following witnesses have information regarding Plaintiff's complaints while employed by Defendants:

10. **Tish McAlpin**
Clinic Supervisor employed by Defendants
13930 122nd Avenue N.E.
Kirkland, WA 98034
Phone Number: Unknown

11. **Suzan Sturholm**
Outside HR Consultant
All Things HR
4210 198th St. S.W.
Suite 105
Lynnwood, WA 98036
Phone Number: (425) 248-4979

DOCUMENTS

The categories of potentially relevant documents include, but are not limited to, the following:

DEFENDANTS' INITIAL
DISCLOSURES -3

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

1 1. Documents related to Defendants' employment policies and procedures.

2 2. Documents related to the employment of Plaintiff by Defendants, including her
3 job performance.

4 3. Plaintiff's personnel file and related records.

5 4. Documents related to Plaintiff's complaints while employed by Defendants.

6 5. Documents related to Plaintiff's medical leave.

7 6. Documents related to Plaintiff's payroll information from 2011 through her
8 resignation.

9 7. Documents related to any other complaints, charges, or claims Plaintiff has made
10 to any court, federal, state and/or other agency in the possession or control of Plaintiff and/or
11 third parties.

12 8. Documents related to Plaintiff's medical history, medical providers, and medical
13 treatment in the possession and control of Plaintiff and/or third parties.

14 9. Documents related to Plaintiff's employment history and efforts to obtain
15 employment in the possession and control of Plaintiff and/or third parties.

16 10. Plaintiff's tax returns history in the possession and control of Plaintiff and/or third
17 parties.

18 Defendants hereby reserve the right to amend and/or supplement the foregoing with
19 additional documents that Defendants may discover during this litigation. Additionally,
20 Defendants reserve the right to utilize any documents identified by Plaintiff in her disclosures.

21 **DAMAGES**

22 Defendants have not made any claim for damages.

23 **INSURANCE**

24 The applicable insurance agreement will be made available for inspection and copying at
25 a mutually convenient time and place.

26 DEFENDANTS' INITIAL
DISCLOSURES -4

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

1
2 DATED: October 22, 2013.

3 GORDON & REES LLP

4 /s/ David W. Silke

5 David W. Silke, WSBA No. 23761
6 Brittany F. Stevens, WSBA No. 44822
7 701 Fifth Avenue, Suite 2100
8 Seattle, WA 98104
9 Phone: (206) 695-5100
10 Fax: (206) 689-2822
11 dsilke@gordonrees.com
12 bstevens@gordonrees.com
13 *Attorney for Defendants*

14
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26 DEFENDANTS' INITIAL
DISCLOSURES -5

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2013, I served the foregoing with on the following individual via messenger:

Scott C. G. Blankenship, WSBA #21431
Paul S. Woods, WSBA #42976
The Blankenship Law Firm, P.S.
1000 Second Avenue, Suite 3250
Seattle, WA 98104
P: (206) 343-2700
F: (206) 343-2704
sblankenship@blankenshiplawfirm.com
pwoods@blankenshiplawfirm.com
Attorneys for Plaintiff

/s/ Jan Young

Jan Young, Legal Assistant

DEFENDANTS' INITIAL
DISCLOSURES -6

GORDON & REES LLP

701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

Exhibit D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FRY'S ELECTRONICS, INC.,

Defendant.

No. C10-1562RSL

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL

This matter comes before the Court on "Plaintiff EEOC's Motion to Compel Discovery." Dkt. # 74. Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the Court finds as follows:

(1) After the motion to compel was filed, the parties resolved many of the disputes identified by plaintiff. Only the following requests for production remain at issue:

(a) RFP 27, seeking the personnel file of Jennifer Takahashi; and

(b) RFPs 24, 25, 28, 30, and 38 to the extent they seek documents related to disciplinary actions imposed on and/or the termination of Minasse Ibrahim, Arturo Squires, Duc Le, Derek Montoya, and Kayla Sando.

(2) The EEOC filed this action against Fry's Electronics Inc. on behalf of America Rios and Ka Lam. According to the EEOC, the assistant manager of Fry's Renton store, Minasse

ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL

1 Ibrahim, sexually harassed Ms. Rios. When Mr. Lam reported the sexual harassment, he was
2 fired in retaliation.

3 In his interview with the EEOC, Mr. Lam stated that retaliatory firings had
4 occurred at the Renton store in the past (or at least the lore of the store includes stories of such
5 firings) and that a woman named Jennifer Takahashi had attempted to complain a few years
6 before Mr. Lam. The nature of her complaint is not clear, but Mr. Ibrahim was the store's
7 customer service manager and was allegedly in a personal relationship with a subordinate
8 employee at the time. Not surprisingly, the EEOC seeks discovery regarding these events and
9 has requested Ms. Takahashi's personnel file. Because the request is reasonably calculated to
10 lead to the discovery of admissible evidence on issues such as the nature of Ms. Takahashi's
11 complaint, the repercussions of such a complaint, Mr. Ibrahim's involvement, and Fry's
12 knowledge and handling of the events, Ms. Takahashi's personnel file is relevant under Fed. R.
13 Civ. P. 26(b)(1). To the extent Fry's has standing to raise privacy objections on behalf of Ms.
14 Takahashi, there is a protective order in place that will protect her personnel file from public
15 disclosure. See Dkt. # 82.

16 (3) The EEOC has requested personnel documents related to the alleged harasser (Mr.
17 Ibrahim), the ultimate decision maker at the Renton store (Mr. Squires), and individuals who are
18 comparable to Mr. Lam and Ms. Rios (Mr. Le, Mr. Montoya, and Ms. Sando). Fry's has offered
19 to produce documents regarding disciplinary actions and terminations involving these five
20 people, but only if they relate to discrimination, sexual harassment, retaliation, tardiness,
21 violation of the leadership oath, threats, inappropriate relationships with subordinates,
22 productivity decreases, failure to meet sales expectations, theft, and drug use. Fry's refuses to
23 produce documents related to adverse employment actions for which these justifications are not
24 listed on the theory that only the justifications given for Mr. Lam's and Ms. Rios' adverse
25 employment actions are relevant to this case.

26 The line defendant draws excludes potentially relevant information and leaves too

1 much discretion to the producing party. For example, what if a manager were engaged in an
2 “inappropriate relationship” with another manager (rather than a subordinate) or in a sexual
3 relationship that Fry’s did not think was “inappropriate?” What if an at-will employee were
4 fired shortly after complaining of harassment, but no justification were provided? What if, as
5 Mr. Lam has stated, employees were fired for talking about discriminatory or retaliatory actions,
6 but the forms merely stated “unproductive communications?” It is impossible for the EEOC (or
7 the Court) to identify in the abstract every reason an employee may be disciplined and/or
8 whether the discipline is relevant to this case or provides a legitimate point of comparison. In
9 addition, the absence of a disciplinary action or a euphemistic description of inappropriate
10 behavior in order to avoid the imposition of harsher sanctions may also be relevant in that it
11 could show that Fry’s tolerated certain behavior and/or that Mr. Lam was treated differently than
12 comparable employees because he complained.

13
14 For all of the foregoing reasons, plaintiff’s motion to compel is GRANTED.
15 Defendant shall, within five days of the date of this Order, produce the personnel file of Jennifer
16 Takahashi and the disciplinary and/or termination records for Minasse Ibrahim, Arturo Squires,
17 Duc Le, Derek Montoya, and Kayla Sando.

18
19 Dated this 17th day of October, 2011.

20 

21 Robert S. Lasnik
22 United States District Judge
23
24
25
26

Exhibit E

HONORABLE JOHN C. COUGHENOUR

The Blankenship Law Firm

JAN 13 2014

RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY LAUER

Plaintiff,

vs.

LONGEVITY MEDICAL CLINIC, PLLC, a
Washington corporation; LONGEVITY
LABORATORY, LLC, a Washington
corporation; LONGEVITY DEVELOPMENT,
LLC, a Washington corporation; SETH
TALBOTT and his marital community; and
MICHELLE OLSON and her marital
community

Defendants.

NO. 2:13-cv-00860

DEFENDANT LONGEVITY MEDICAL
CLINIC, PLLC'S RESPONSES TO
PLAINTIFF MINDY LAUER'S FIRST SET
OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION

TO: MINDY LAUER, PLAINTIFF

AND TO: PLAINTIFF'S COUNSEL

FROM: DEFENDANT LONGEVITY MEDICAL CLINIC, PLLC

INSTRUCTIONS

NOTE: Failure to abide by these instructions may result in a motion to compel or such
other motion as may be necessary to ensure fair and complete discovery under the Federal Rules.

1. Pursuant to the Federal Rules of Civil Procedure 26, 33 and 34, (hereinafter "the
Civil Rules" or "CR"), and corresponding Local Rules ("LR"), you are hereby required to

DEFENDANT LONGEVITY'S
RESPONSES TO PLAINTIFF MINDY
LAUER'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION -1

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

REQUEST FOR PRODUCTION G: Produce the entire **personnel file** of Tish McAlpin. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. McAlpin's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION H: Produce the entire **personnel file** of Seth Talbott. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's

proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION I: Produce the entire **personnel file** of Kambiz Yaraei. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Dr. Yaraei was terminated long before Plaintiff's employment with Defendant ended. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION J: Produce the entire **personnel file** of Lobat Kimiai. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and

not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Kimiai's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION K: Produce the entire **personnel file** of Michelle Olson.

This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION L: Produce the entire **personnel file** of Bia Remen. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**

1 termination of employment while she was employed by **Defendant**.

2 **RESPONSE:**

3 Defendant objects to this Request for Production to the extent that it is overly broad and
4 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
5 claims are not related to Ms. Remen's employment with Defendant. Defendant further objects to
6 this Request for Production to the extent it seeks information or documents that are subject to the
7 attorney-client privilege, the work product protection, or any other privilege or protection.

8 Defendant further objects to this Request for Production to the extent it seeks confidential
9 personal information about individuals and/or Defendant's proprietary business or financial
10 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
11 Defendant may properly insist should only be produced subject to a protective order that restricts
12 access, use, and disclosure of the information.

13 **REQUEST FOR PRODUCTION M:** Produce the entire **personnel file** of Terry Craig. This
14 includes, but is not limited to, any **document** which reflects employment history, employment
15 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
16 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
17 termination of employment while she was employed by **Defendant**.

18 **RESPONSE:**

19 Defendant objects to this Request for Production to the extent that it is overly broad and
20 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
21 claims are not related to Terry Craig's employment with Defendant. Defendant further objects to
22 this Request for Production to the extent it seeks information or documents that are subject to the
23 attorney-client privilege, the work product protection, or any other privilege or protection.
24 Defendant further objects to this Request for Production to the extent it seeks confidential
25 personal information about individuals and/or Defendant's proprietary business or financial
26 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that

Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION N: Produce the entire **personnel file** of Chris Cano. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Mr. Cano's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION O: Produce the entire **personnel file** of Flo Siguenza. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's

claims are not related to Ms. Siguenza's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION P: Produce the entire **personnel file** of Jennifer Adams.

This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Adams' employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION Q: Produce the entire **personnel file** of Maria Fox. This includes, but is not limited to, any **document** which reflects employment history, employment

status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Fox's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION R: Produce the entire **personnel file** of Lyndon Capon.

This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Dr. Capon's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential

1 personal information about individuals and/or Defendant's proprietary business or financial
2 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
3 Defendant may properly insist should only be produced subject to a protective order that restricts
4 access, use, and disclosure of the information.

5 **REQUEST FOR PRODUCTION S:** Produce the entire **personnel file** of Jennifer Tager. This
6 includes, but is not limited to, any **document** which reflects employment history, employment
7 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
8 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
9 termination of employment while she was employed by **Defendant**.

10 **RESPONSE:**

11 Defendant objects to this Request for Production to the extent that it is overly broad and
12 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
13 claims are not related to Ms. Tager's employment with Defendant. Defendant further objects to
14 this Request for Production to the extent it seeks information or documents that are subject to the
15 attorney-client privilege, the work product protection, or any other privilege or protection.
16 Defendant further objects to this Request for Production to the extent it seeks confidential
17 personal information about individuals and/or Defendant's proprietary business or financial
18 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
19 Defendant may properly insist should only be produced subject to a protective order that restricts
20 access, use, and disclosure of the information.

REQUEST FOR PRODUCTION T: Produce the entire **personnel file** of Chari Sewell. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Sewell's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

REQUEST FOR PRODUCTION U: Produce the entire **personnel file** of Crystal Priddy. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Priddy's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the

1 attorney-client privilege, the work product protection, or any other privilege or protection.
2 Defendant further objects to this Request for Production to the extent it seeks confidential
3 personal information about individuals and/or Defendant's proprietary business or financial
4 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
5 Defendant may properly insist should only be produced subject to a protective order that restricts
6 access, use, and disclosure of the information.

7 **REQUEST FOR PRODUCTION V:** Produce the entire **personnel file** of Jerry Mixon. This
8 includes, but is not limited to, any **document** which reflects employment history, employment
9 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
10 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
11 termination of employment while he was employed by **Defendant**.

12 **RESPONSE:**

13 Defendant objects to this Request for Production to the extent that it is overly broad and
14 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
15 claims are not related to Dr. Mixon's employment with Defendant. Defendant further objects to
16 this Request for Production to the extent it seeks information or documents that are subject to the
17 attorney-client privilege, the work product protection, or any other privilege or protection.
18 Defendant further objects to this Request for Production to the extent it seeks confidential
19 personal information about individuals and/or Defendant's proprietary business or financial
20 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
21 Defendant may properly insist should only be produced subject to a protective order that restricts
22 access, use, and disclosure of the information.

23 **REQUEST FOR PRODUCTION W:** Produce the entire **personnel file** of Jason Foltz. This
24 includes, but is not limited to, any **document** which reflects employment history, employment
25 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
26 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**

1 termination of employment while he was employed by **Defendant**.

2 **RESPONSE:**

3 Defendant objects to this Request for Production to the extent that it is overly broad and
4 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
5 claims are not related to Mr. Foltz's employment with Defendant. Defendant further objects to
6 this Request for Production to the extent it seeks information or documents that are subject to the
7 attorney-client privilege, the work product protection, or any other privilege or protection.
8 Defendant further objects to this Request for Production to the extent it seeks confidential
9 personal information about individuals and/or Defendant's proprietary business or financial
10 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
11 Defendant may properly insist should only be produced subject to a protective order that restricts
12 access, use, and disclosure of the information.

13 **REQUEST FOR PRODUCTION X:** Produce the entire **personnel file** of Sarah Bingisser.

14 This includes, but is not limited to, any **document** which reflects employment history,
15 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
16 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
17 disciplining, **and** termination of employment while she was employed by **Defendant**.

18 **RESPONSE:**

19 Defendant objects to this Request for Production to the extent that it is overly broad and
20 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
21 claims are not related to Ms. Bingisser's employment with Defendant. Defendant further objects
22 to this Request for Production to the extent it seeks information or documents that are subject to
23 the attorney-client privilege, the work product protection, or any other privilege or protection.
24 Defendant further objects to this Request for Production to the extent it seeks confidential
25 personal information about individuals and/or Defendant's proprietary business or financial
26 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that

1 Defendant may properly insist should only be produced subject to a protective order that restricts
2 access, use, and disclosure of the information.

3 **REQUEST FOR PRODUCTION Y:** Produce the entire **personnel files** for every individual
4 **identified in Defendants'** initial disclosures **or** incorporated by reference.

5 **RESPONSE:**

6 Defendant reincorporates its objections as stated above in its responses to Requests for
7 Production G through X. Defendant further objects to this Request for Production to the extent
8 that it is overly broad and not reasonably calculated to lead to the discovery of admissible
9 evidence, because Plaintiff's claims are not related to these other individuals' employment with
10 Defendant. Defendant further objects to this Request for Production to the extent it seeks
11 information or documents that are subject to the attorney-client privilege, the work product
12 protection, or any other privilege or protection. Defendant further objects to this Request for
13 Production to the extent it seeks confidential personal information about individuals and/or
14 Defendant's proprietary business or financial information, which: (1) is not relevant or essential
15 to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced
16 subject to a protective order that restricts access, use, and disclosure of the information

17 **REQUEST FOR PRODUCTION Z:** Produce all **documents identified in Defendants'** initial
18 disclosures.

19 **RESPONSE:**

20 Defendant objects tot his Request for Production to the extent it seeks information or
21 documents that are subject to the attorney-client privilege, the work product protection, or any
22 other privilege or protection. Defendant further objects to this Request for Production to the
23 extent it seeks confidential personal information about individuals and/or Defendant's
24 proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's
25 claims, and/or (2) that Defendant may properly insist should only be produced subject to a
26 protective order that restricts access, use, and disclosure of the information. Subject to, and

1 non-production **or** for any other reason (for example, the work product doctrine), **identifying**
2 each **document** by its name, date, author **and** recipient, subject matter, the number of the
3 interrogatory **or** request for production to which it is responsive, **and identifying** in detail the
4 factual basis for withholding it from production.

5 **RESPONSE:**

6 Subject to, and without waiving the foregoing general objections, Defendant will produce
7 a privilege log.

8 DATED: January 13, 2014.

9 GORDON & REES LLP

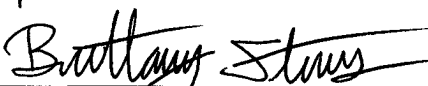
10 

11 David W. Silke, WSBA No. 23761
12 Brittany F. Stevens, WSBA No. 44822
13 701 Fifth Avenue, Suite 2100
14 Seattle, WA 98104
15 Phone: (206) 695-5100
16 Fax: (206) 689-2822
17 dsilke@gordonrees.com
18 bstevens@gordonrees.com
19 *Attorney for Defendants*

ATTORNEY CERTIFICATION

Pursuant to FRCP 26(g), I certify that I have read Defendant Longevity Medical Clinic PLLC's Responses to Plaintiff's First Set of Interrogatories and Requests for Production to Defendants, including all answers, responses, and objections, and to the best of my knowledge, information and belief, formed after a reasonable inquiry, such answers, responses, and objections are (1) consistent with the Federal Rules of Civil Procedure and warranted by existing law; (2) not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation; and (3) not unreasonably or unduly burdensome or expensive given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

DATED this 13th day of January, 2014.

By 
David W. Silke, WSBA No. 23761
Brittany F. Stevens, WSBA No. 44822

DEFENDANT LONGEVITY'S
RESPONSES TO PLAINTIFF MINDY
LAUER'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION -62

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

VERIFICATION

UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF WASHINGTON) ss.

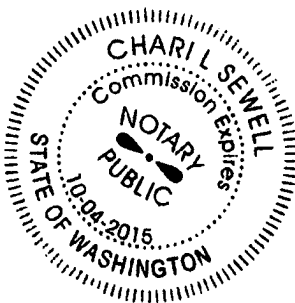
Michelle Olson being first duly sworn, upon oath deposes and says: I am the ~~Director of Operations~~ for Defendant Longevity Medical Clinic PLLC in the above entitled action (Mindy Lauer v. Longevity Medical Clinic, PLLC, et al.), I have read Defendants' Responses to Plaintiff's First Set of Interrogatories and Requests for Production to Defendant, know the contents thereof, and believe the same to be true.

Michelle L Olson

SUBSCRIBED AND SWORN to before me this 29 day of January, 2014.

Chari Sewell (Print Name)
NOTARY PUBLIC in and for the State of
Washington, residing at Bothell
My Commission Expires: 10-4-15

Chari Sewell



DEFENDANT LONGEVITY'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFF MINDY LAUER'S FIRST SET
OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION -63

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

Exhibit F

HONORABLE JOHN C. COUGHENOUR

The Blankenship Law Firm

MAR 27 2014

RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY LAUER

Plaintiff,

vs.

LONGEVITY MEDICAL CLINIC, PLLC, a
Washington corporation; LONGEVITY
LABORATORY, LLC, a Washington
corporation; LONGEVITY DEVELOPMENT,
LLC, a Washington corporation; SETH
TALBOTT and his marital community; and
MICHELLE OLSON and her marital
community

Defendants.

NO. 2:13-cv-00860

DEFENDANT LONGEVITY MEDICAL
CLINIC, PLLC'S SUPPLEMENTAL
RESPONSES TO PLAINTIFF MINDY
LAUER'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION

TO: MINDY LAUER, PLAINTIFF

AND TO: PLAINTIFF'S COUNSEL

FROM: DEFENDANT LONGEVITY MEDICAL CLINIC, PLLC

INSTRUCTIONS

NOTE: Failure to abide by these instructions may result in a motion to compel or such
other motion as may be necessary to ensure fair and complete discovery under the Federal Rules.

1. Pursuant to the Federal Rules of Civil Procedure 26, 33 and 34, (hereinafter "the
Civil Rules" or "CR"), and corresponding Local Rules ("LR"), you are hereby required to

DEFENDANT LONGEVITY'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFF MINDY LAUER'S FIRST SET
OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION -1

GORDON & REES LLP

701 5th Avenue, Suite 2100
Seattle, WA 98104

Telephone: (206) 695-5100

Facsimile: (206) 689-2822

1 **REQUEST FOR PRODUCTION F:** Produce all versions of job descriptions existing between
 2 January 2006 **and** present for all positions held by **Plaintiff**.

3 **RESPONSE:**

4 Defendant further objects to this Request for Production to the extent it seeks confidential
 5 personal information about individuals and/or Defendant's proprietary business or financial
 6 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
 7 Defendant may properly insist should only be produced subject to a protective order that restricts
 8 access, use, and disclosure of the information. Subject to, and without waiving the foregoing
 9 specific and general objections, Defendant will produce its job descriptions for a Medical
 10 Assistant and a Medical Services Supervisor.

11 **REQUEST FOR PRODUCTION G:** Produce the entire **personnel file** of Tish McAlpin. This
 12 includes, but is not limited to, any **document** which reflects employment history, employment
 13 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
 14 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
 15 termination of employment while she was employed by **Defendant**.

16 **RESPONSE:**

17 Defendant objects to this Request for Production to the extent that it is overly broad and
 18 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
 19 claims are not related to Ms. McAlpin's employment with Defendant. Defendant further objects
 20 to this Request for Production to the extent it seeks information or documents that are subject to
 21 the attorney-client privilege, the work product protection, or any other privilege or protection.
 22 Defendant further objects to this Request for Production to the extent it seeks confidential
 23 personal information about individuals and/or Defendant's proprietary business or financial
 24 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
 25 Defendant may properly insist should only be produced subject to a protective order that restricts
 26 access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

Without waiving its objections, Defendant responds further to this Request for Production as follows. During the discovery conference between counsel for the parties on March 8, 2014, Plaintiff's counsel confirmed that Plaintiff is seeking the entire personnel file for this employee and the other employees for whom Plaintiff is seeking a personnel file. Following the discovery conference, Defendant's counsel reviewed the personnel files provided by Defendant and confirmed that they contain documents that include personal and confidential information and documents. It remains Defendant's position that the request for the entire personnel file for all of the employees is overly broad and not reasonably calculated to lead to the discovery of admissible evidence. If Plaintiff provides a more narrow description of specific documents or categories of documents that Plaintiff believes are discoverable, Defendant's counsel will respond accordingly, including by reviewing the personnel files again to determine if they contain any such documents. In addition, If requested to do so by Plaintiff, Defendant would stipulate to having the personnel files copied at Plaintiff's expense and provided to the Court for an *in camera* review to determine whether Defendant should produce any of the documents contained in the personnel file that are being withheld by Defendant.

REQUEST FOR PRODUCTION H: Produce the entire **personnel file** of Seth Talbott. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's

proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION I: Produce the entire **personnel file** of Kambiz Yaraei. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Dr. Yaraei was terminated long before Plaintiff's employment with Defendant ended. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION J: Produce the entire **personnel file** of Lobat Kimiai. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,

1 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
 2 termination of employment while he was employed by **Defendant**.

3 **RESPONSE:**

4 Defendant objects to this Request for Production to the extent that it is overly broad and
 5 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
 6 claims are not related to Ms. Kimiai's employment with Defendant. Defendant further objects to
 7 this Request for Production to the extent it seeks information or documents that are subject to the
 8 attorney-client privilege, the work product protection, or any other privilege or protection.
 9 Defendant further objects to this Request for Production to the extent it seeks confidential
 10 personal information about individuals and/or Defendant's proprietary business or financial
 11 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
 12 Defendant may properly insist should only be produced subject to a protective order that restricts
 13 access, use, and disclosure of the information.

14 **SUPPLEMENTAL RESPONSE:**

15 See Supplemental Response to Request for Production G.

16 **REQUEST FOR PRODUCTION K:** Produce the entire **personnel file** of Michelle Olson.

17 This includes, but is not limited to, any **document** which reflects employment history,
 18 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
 19 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
 20 disciplining, **and** termination of employment while she was employed by **Defendant**.

21 **RESPONSE:**

22 Defendant objects to this Request for Production to the extent it seeks information or
 23 documents that are subject to the attorney-client privilege, the work product protection, or any
 24 other privilege or protection. Defendant further objects to this Request for Production to the
 25 extent it seeks confidential personal information about individuals and/or Defendant's
 26 proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's

1 claims, and/or (2) that Defendant may properly insist should only be produced subject to a
2 protective order that restricts access, use, and disclosure of the information.

3 **SUPPLEMENTAL RESPONSE:**

4 See Supplemental Response to Request for Production G.

5 **REQUEST FOR PRODUCTION L:** Produce the entire **personnel file** of Bia Remen. This
6 includes, but is not limited to, any **document** which reflects employment history, employment
7 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
8 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
9 termination of employment while she was employed by **Defendant**.

10 **RESPONSE:**

11 Defendant objects to this Request for Production to the extent that it is overly broad and
12 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
13 claims are not related to Ms. Remen's employment with Defendant. Defendant further objects to
14 this Request for Production to the extent it seeks information or documents that are subject to the
15 attorney-client privilege, the work product protection, or any other privilege or protection.
16 Defendant further objects to this Request for Production to the extent it seeks confidential
17 personal information about individuals and/or Defendant's proprietary business or financial
18 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
19 Defendant may properly insist should only be produced subject to a protective order that restricts
20 access, use, and disclosure of the information.

21 **SUPPLEMENTAL RESPONSE:**

22 See Supplemental Response to Request for Production G.

23 **REQUEST FOR PRODUCTION M:** Produce the entire **personnel file** of Terry Craig. This
24 includes, but is not limited to, any **document** which reflects employment history, employment
25 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
26 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**

1 termination of employment while she was employed by **Defendant**.

2 **RESPONSE:**

3 Defendant objects to this Request for Production to the extent that it is overly broad and
 4 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
 5 claims are not related to Terry Craig's employment with Defendant. Defendant further objects to
 6 this Request for Production to the extent it seeks information or documents that are subject to the
 7 attorney-client privilege, the work product protection, or any other privilege or protection.
 8 Defendant further objects to this Request for Production to the extent it seeks confidential
 9 personal information about individuals and/or Defendant's proprietary business or financial
 10 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
 11 Defendant may properly insist should only be produced subject to a protective order that restricts
 12 access, use, and disclosure of the information.

13 **SUPPLEMENTAL RESPONSE:**

14 See Supplemental Response to Request for Production G.

15 **REQUEST FOR PRODUCTION N:** Produce the entire **personnel file** of Chris Cano. This
 16 includes, but is not limited to, any **document** which reflects employment history, employment
 17 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
 18 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
 19 termination of employment while he was employed by **Defendant**.

20 **RESPONSE:**

21 Defendant objects to this Request for Production to the extent that it is overly broad and
 22 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
 23 claims are not related to Mr. Cano's employment with Defendant. Defendant further objects to
 24 this Request for Production to the extent it seeks information or documents that are subject to the
 25 attorney-client privilege, the work product protection, or any other privilege or protection.
 26 Defendant further objects to this Request for Production to the extent it seeks confidential

personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION O: Produce the entire **personnel file** of Flo Siguenza. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Siguenza's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION P: Produce the entire **personnel file** of Jennifer Adams. This includes, but is not limited to, any **document** which reflects employment history,

employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Adams' employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION Q: Produce the entire **personnel file** of Maria Fox. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Fox's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the

1 attorney-client privilege, the work product protection, or any other privilege or protection.
2 Defendant further objects to this Request for Production to the extent it seeks confidential
3 personal information about individuals and/or Defendant's proprietary business or financial
4 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
5 Defendant may properly insist should only be produced subject to a protective order that restricts
6 access, use, and disclosure of the information.

7 **SUPPLEMENTAL RESPONSE:**

8 See Supplemental Response to Request for Production G.

9 **REQUEST FOR PRODUCTION R:** Produce the entire **personnel file** of Lyndon Capon.

10 This includes, but is not limited to, any **document** which reflects employment history,
11 employment status, work assignments, compensation **and** benefits, bonuses, supervisory
12 relationships, evaluations, performance reviews, promotions, reassignment, complaints,
13 disciplining, **and** termination of employment while he was employed by **Defendant**.

14 **RESPONSE:**

15 Defendant objects to this Request for Production to the extent that it is overly broad and
16 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
17 claims are not related to Dr. Capon's employment with Defendant. Defendant further objects to
18 this Request for Production to the extent it seeks information or documents that are subject to the
19 attorney-client privilege, the work product protection, or any other privilege or protection.
20 Defendant further objects to this Request for Production to the extent it seeks confidential
21 personal information about individuals and/or Defendant's proprietary business or financial
22 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
23 Defendant may properly insist should only be produced subject to a protective order that restricts
24 access, use, and disclosure of the information.

25 **SUPPLEMENTAL RESPONSE:**

26 See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION S: Produce the entire **personnel file** of Jennifer Tager. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Ms. Tager's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION T: Produce the entire **personnel file** of Chari Sewell. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and

1 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
2 claims are not related to Ms. Sewell's employment with Defendant. Defendant further objects to
3 this Request for Production to the extent it seeks information or documents that are subject to the
4 attorney-client privilege, the work product protection, or any other privilege or protection.
5 Defendant further objects to this Request for Production to the extent it seeks confidential
6 personal information about individuals and/or Defendant's proprietary business or financial
7 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
8 Defendant may properly insist should only be produced subject to a protective order that restricts
9 access, use, and disclosure of the information.

10 **SUPPLEMENTAL RESPONSE:**

11 See Supplemental Response to Request for Production G.

12 **REQUEST FOR PRODUCTION U:** Produce the entire **personnel file** of Crystal Priddy. This
13 includes, but is not limited to, any **document** which reflects employment history, employment
14 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
15 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
16 termination of employment while she was employed by **Defendant**.

17 **RESPONSE:**

18 Defendant objects to this Request for Production to the extent that it is overly broad and
19 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
20 claims are not related to Ms. Priddy's employment with Defendant. Defendant further objects to
21 this Request for Production to the extent it seeks information or documents that are subject to the
22 attorney-client privilege, the work product protection, or any other privilege or protection.
23 Defendant further objects to this Request for Production to the extent it seeks confidential
24 personal information about individuals and/or Defendant's proprietary business or financial
25 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
26 Defendant may properly insist should only be produced subject to a protective order that restricts

1 access, use, and disclosure of the information.

2 **SUPPLEMENTAL RESPONSE:**

3 See Supplemental Response to Request for Production G.

4 **REQUEST FOR PRODUCTION V:** Produce the entire **personnel file** of Jerry Mixon. This
5 includes, but is not limited to, any **document** which reflects employment history, employment
6 status, work assignments, compensation **and** benefits, bonuses, supervisory relationships,
7 evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and**
8 termination of employment while he was employed by **Defendant**.

9 **RESPONSE:**

10 Defendant objects to this Request for Production to the extent that it is overly broad and
11 not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's
12 claims are not related to Dr. Mixon's employment with Defendant. Defendant further objects to
13 this Request for Production to the extent it seeks information or documents that are subject to the
14 attorney-client privilege, the work product protection, or any other privilege or protection.
15 Defendant further objects to this Request for Production to the extent it seeks confidential
16 personal information about individuals and/or Defendant's proprietary business or financial
17 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
18 Defendant may properly insist should only be produced subject to a protective order that restricts
19 access, use, and disclosure of the information.

20 **SUPPLEMENTAL RESPONSE:**

21 See Supplemental Response to Request for Production G.
22
23
24
25
26

REQUEST FOR PRODUCTION W: Produce the entire **personnel file** of Jason Foltz. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while he was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's claims are not related to Mr. Foltz's employment with Defendant. Defendant further objects to this Request for Production to the extent it seeks information or documents that are subject to the attorney-client privilege, the work product protection, or any other privilege or protection. Defendant further objects to this Request for Production to the extent it seeks confidential personal information about individuals and/or Defendant's proprietary business or financial information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced subject to a protective order that restricts access, use, and disclosure of the information.

SUPPLEMENTAL RESPONSE:

See Supplemental Response to Request for Production G.

REQUEST FOR PRODUCTION X: Produce the entire **personnel file** of Sarah Bingisser. This includes, but is not limited to, any **document** which reflects employment history, employment status, work assignments, compensation **and** benefits, bonuses, supervisory relationships, evaluations, performance reviews, promotions, reassignment, complaints, disciplining, **and** termination of employment while she was employed by **Defendant**.

RESPONSE:

Defendant objects to this Request for Production to the extent that it is overly broad and not reasonably calculated to lead to the discovery of admissible evidence, because Plaintiff's

1 claims are not related to Ms. Bingisser's employment with Defendant. Defendant further objects
2 to this Request for Production to the extent it seeks information or documents that are subject to
3 the attorney-client privilege, the work product protection, or any other privilege or protection.
4 Defendant further objects to this Request for Production to the extent it seeks confidential
5 personal information about individuals and/or Defendant's proprietary business or financial
6 information, which: (1) is not relevant or essential to Plaintiff's claims, and/or (2) that
7 Defendant may properly insist should only be produced subject to a protective order that restricts
8 access, use, and disclosure of the information.

9 **SUPPLEMENTAL RESPONSE:**

10 See Supplemental Response to Request for Production G.

11 **REQUEST FOR PRODUCTION Y:** Produce the entire **personnel files** for every individual
12 **identified in Defendants'** initial disclosures **or** incorporated by reference.

13 **RESPONSE:**

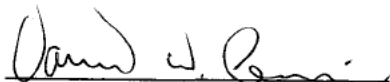
14 Defendant reincorporates its objections as stated above in its responses to Requests for
15 Production G through X. Defendant further objects to this Request for Production to the extent
16 that it is overly broad and not reasonably calculated to lead to the discovery of admissible
17 evidence, because Plaintiff's claims are not related to these other individuals' employment with
18 Defendant. Defendant further objects to this Request for Production to the extent it seeks
19 information or documents that are subject to the attorney-client privilege, the work product
20 protection, or any other privilege or protection. Defendant further objects to this Request for
21 Production to the extent it seeks confidential personal information about individuals and/or
22 Defendant's proprietary business or financial information, which: (1) is not relevant or essential
23 to Plaintiff's claims, and/or (2) that Defendant may properly insist should only be produced
24 subject to a protective order that restricts access, use, and disclosure of the information

25 **SUPPLEMENTAL RESPONSE:**

26 See Supplemental Response to Request for Production G.

1 DATED: March 27, 2014.

2 GORDON & REES LLP

3 

4 David W. Silke, WSBA No. 23761
5 Brittany F. Stevens, WSBA No. 44822
6 701 Fifth Avenue, Suite 2100
7 Seattle, WA 98104
8 Phone: (206) 695-5100
9 Fax: (206) 689-2822
10 dsilke@gordonrees.com
11 bstevens@gordonrees.com
12 *Attorney for Defendants*

VERIFICATION

UNITED STATES DISTRICT COURT)
WESTERN DISTRICT OF WASHINGTON) ss.

Michelle Olson being first duly sworn, upon oath deposes and says: I am the ~~Director of Operations~~ for Defendant Longevity Medical Clinic PLLC in the above entitled action (Mindy Lauer v. Longevity Medical Clinic, PLLC, et al.), I have read Defendants' Responses to Plaintiff's First Set of Interrogatories and Requests for Production to Defendant, know the contents thereof, and believe the same to be true.

Michelle L Olson

SUBSCRIBED AND SWORN to before me this 29 day of January, 2014.

Chari Sewell (Print Name)

NOTARY PUBLIC in and for the State of
Washington, residing at Bothell
My Commission Expires: 10-4-15

Chari Sewell



DEFENDANT LONGEVITY'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFF MINDY LAUER'S FIRST SET
OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION -63

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

Exhibit G

THE BLANKENSHIP LAW FIRM, P.S.

1000 Second Avenue, Suite 3250
Seattle, Washington 98104
(206) 343-2700

PAUL S. WOODS

Facsimile (206) 343-2704

July 2, 2014

Via E-mail Attachment

Ms. Angela R. Vogel, Esq.
Gordon & Rees LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104

Re: *Lauer v. Longevity Medical Clinic, PLLC et al.*
Defendants' failure to produce personnel documents

Dear Ms. Vogel:

I am writing in regards to Defendants' ongoing failure to produce personnel documents and records related to anyone other than Ms. Lauer. On November 12, 2013, Plaintiff propounded Interrogatories and Requests for Production ("RFPs") to Defendant Longevity Medical Clinic. RFPs G-X requested production of the personnel documents of 18 employees, while RFP Y additionally requested production of the personnel documents of anyone identified in Defendants' Initial Disclosures, which includes 3 additional employees.¹

To date, Defendants have refused to produce any personnel documents for anyone other than Ms. Lauer. Given this deficiency, I conferred telephonically with Mr. Silke on this and other issues on March 18, 2014. Defendant Longevity then provided supplemental discovery responses on March 27, 2014 but still refused to produce any personnel documents.

Instead, Defendant requested that Plaintiff narrow the scope of RFPs G-Y and propose "categories of documents" that Plaintiff would like to receive from the personnel files. As I have previously explained to Mr. Silke, the Civil Rules do not require Plaintiff to guess what types of documents might be contained in personnel files, or otherwise narrow the scope of production.

¹ RFPs G-X request personnel documents of Tish McAlpin, Seth Talbott, Kambiz Yaraei, Lobat Kimiai, Michelle Olson, Bia Remen, Terry Craig, Chris Cano, Flo Siguenza, Jennifer Adams, Maria Fox, Lyndon Capon, Jennifer Tager, Chari Sewell, Crystal Priddy, Jerry Mixon, Jason Foltz, and Sarah Bingisser. RFP Y requests personnel documents of Bob Wagner, Michelle Prevette, and Josh Glandon.

Angela R. Vogel, Esq.

July 2, 2014

Page 2

Nevertheless, in the interests of amicably resolving this dispute, Plaintiff is offering to narrow the scope of production. Plaintiff therefore proposes that Defendant produce the following categories of personnel documents in response to RFPs G-Y:

- Documents related to qualifications, including applications, resumes, cover letters, job history, licenses/degrees, etc.
- Documents related to job performance, including reviews (positive and negative), customer and/or patient comments and complaints, commendations, etc.
- Documents related to job history, including pay, bonuses, benefits, raises, promotions, demotions, job descriptions, resignation/termination records, applications for promotions/transfers and the result of such applications, etc.
- Documents related to discipline, complaints (made by or against the employees for any reason, including allegations of discrimination), investigations into complaints, etc.
- Medical records, requested leaves of absence, the grant/denial of any such requests, etc.
- Any records reflecting the race, national origin, and disability-related status of the employees

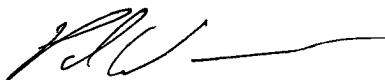
Given that Plaintiff has already waited several months for the personnel documents, I am requesting that Defendant agree in writing to produce the above-listed categories of documents no later than the close of business on Friday, July 11, 2014.

Again, Plaintiff is offering this narrowed scope of discovery in the interests of amicably resolving this dispute. However, the parties have already conferred on this issue, and if Defendant will not agree to this narrowed scope of production, Plaintiff will be forced to move the Court for appropriate relief.

Please respond to this letter by the close of business Tuesday, July 8, 2014 and confirm in writing that Defendant will agree to Plaintiff's proposal. Please note that I am happy to discuss this with you telephonically if you have any questions. I look forward to hearing from you, and hope that the parties can resolve this dispute informally.

Very truly yours,

THE BLANKENSHIP LAW FIRM, P.S.



Paul S. Woods

cc: file

Exhibit H

ANGELA R. VOGEL
AVOGEL@GORDONREES.COM
DIRECT DIAL: (206) 695-5121
DIRECT FAX: (206) 905-1330

Admitted In: Washington and Alaska

GORDON & REES LLP

ATTORNEYS AT LAW
701 5TH AVENUE, SUITE 2100
SEATTLE, WA 98104
PHONE: (206) 695-5100
FAX: (206) 689-2822
WWW.GORDONREES.COM

July 8, 2014

U.S. MAIL AND EMAIL

Paul S. Woods
The Blankenship Law Firm, P.S.
1000 Second Avenue, Suite 3250
Seattle, WA 98104

Re: *Lauer v. Longevity Medical Clinic, et al.*

Dear Mr. Woods:

I am writing in response to your letter dated July 2, 2014 regarding the various personnel files Ms. Lauer requested. Ms. Lauer is seeking confidential personnel records from twenty-one individuals, nineteen of which are not parties to the litigation. Defendant Longevity has objected to the requests for the personnel files because the requests are overly broad and not reasonably calculated to lead to the discovery of admissible evidence and also objected to on the basis of the privacy interests of the individuals.

“Federal courts have recognized a person’s interest in preserving the confidentiality of information contained in his or her personnel file.” *Tumbling v. Merced Irrigation Dist.*, 262 F.R.D. 509, 517 (E.D. Cal. 2009). Courts have directly addressed the issue of the discovery of personnel files and found “the initiation of the law suit, does not, by itself, grant plaintiffs the right to rummage through the private affairs of anyone they choose.” *Ragge v. MCA/Universal Studios*, 165 F.R.D. 601, 605 (C.D. Cal. 1995). In determining whether personnel files are discoverable, the proper course is to balance the relevancy of the information against privacy interest. *See Johnson v. Thompson*, 971 F.2d 1487, 1497 (10th Cir. 1992).

Simply because Ms. Lauer has filed a lawsuit against Defendant Longevity does not mean that she can go on a fishing expedition of its employees’ personnel files. Ms. Lauer has failed to articulate how her requests for various personnel files are reasonably calculated to lead to the discovery of admissible evidence. This is particularly true in light of the recognized privacy interests employees have regarding their personnel files. We have litigated this issue before in the Western District and have prevailed.

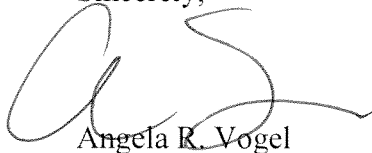
Paul S. Woods
July 8, 2014
Page 2

In the spirit of cooperation, and to resolve this issue without seeking the intervention of the Court, we agree to produce the personnel files of Michelle Olsen and Seth Talbott, excluding the irrelevant and personal portions such as medical, family, and insurance information. Ms. Olsen and Mr. Talbott are both named parties in this matter and Ms. Lauer has alleged that their conduct was allegedly discriminatory and retaliatory. Ms. Olsen's and Mr. Talbott's personnel files will be produced pursuant to the terms of the Stipulated Protective Order.

However, even with the categories you identified in your July 2, 2014, letter, it is still unclear as to how the personnel files of nineteen non-parties are reasonably calculated to lead to the discovery of admissible evidence. Notably, in your letter dated July 2, 2014, you indicate you are requesting the files of three individuals, Bob Wagner, Michelle Prevette, and Josh Glandon, because the individuals were "identified in Defendants' Initial Disclosures." Simply because individuals are identified in Initial Disclosures does not mean that their personnel files are discoverable.

Not only have we not fully conferred on these issues, including the issues raised in your letter dated July 2, 2014, we would like to work to resolve this discovery dispute without judicial intervention if possible. Therefore, please let me know when you are available to confer about the nineteen personnel files of the non-parties Ms. Lauer is seeking.

Sincerely,

A handwritten signature in black ink, appearing to read 'ARV', with a long horizontal flourish extending to the right.

Angela R. Vogel

ARV:cj

Exhibit I

THE BLANKENSHIP LAW FIRM, P.S.

1000 Second Avenue, Suite 3250
Seattle, Washington 98104
(206) 343-2700

PAUL S. WOODS

Facsimile (206) 343-2704

July 8, 2014

Via E-mail Attachment

Ms. Angela R. Vogel, Esq.
Gordon & Rees LLP
701 Fifth Avenue, Suite 2100
Seattle, WA 98104

Re: *Lauer v. Longevity Medical Clinic, PLLC et al.*
Defendants' failure to produce personnel documents

Dear Ms. Vogel:

I am writing in response to your letter dated today, July 8, 2014, in which you refuse to provide any personnel documents requested by Plaintiff, other than the personnel records of Plaintiff Mindy Lauer herself and certain personnel documents for named Defendants Michelle Olson and Seth Talbott (though you indicate that your office will continue to withhold certain allegedly "irrelevant and personal" documents). Notably, your office continues to withhold any and all personnel documents related to nineteen individuals who have been identified as witnesses in this case. I attempted to call you only minutes after receiving your letter to discuss this issue, but was told you were unavailable.

We have been conferring on this issue since mid-March 2014, yet Defendants continue to withhold any and all personnel documents of nineteen individuals, and have not agreed to produce all of the requested documents regarding named Defendants Olson and Talbott.

As stated in my previous letter from July 2, 2014, Plaintiff propounded Interrogatories and Requests for Production ("RFPs") to Defendant Longevity Medical Clinic on November 12, 2013. RFPs G-X requested production of the personnel documents of eighteen employees, while RFP Y additionally requested production of the personnel documents of anyone identified in Defendants' Initial Disclosures—people that

Angela R. Vogel, Esq.

July 8, 2014

Page 2

Defendants themselves identify as witnesses, which includes three additional employees.¹ Defendants refused to produce the requested documents.

I therefore conferred telephonically with Defense Counsel David Silke on this and other issues on March 18, 2014. In that conference, I made Plaintiff's position clear: under rulings from numerous federal courts, Plaintiff is entitled to production of the requested personnel files in their entirety. Defendant Longevity, however, still refused to produce the requested personnel documents. Thus, contrary to the claim in your July 8, 2014 letter, the parties conferred on this issue more than three months ago, and Defendant has had multiple opportunities to change its position and produce the requested documents.

Nevertheless, in an attempt to amicably and informally resolve this discovery dispute, my July 2, 2014 letter offered to narrow Plaintiff's requests. I proposed that Defendants only produce the following categories of personnel documents:

- Documents related to qualifications, including applications, resumes, cover letters, job history, licenses/degrees, etc.
- Documents related to job performance, including reviews (positive and negative), customer and/or patient comments and complaints, commendations, etc.
- Documents related to job history, including pay, bonuses, benefits, raises, promotions, demotions, job descriptions, resignation/termination records, applications for promotions/transfers and the result of such applications, etc.
- Documents related to discipline, complaints (made by or against the employees for any reason, including allegations of discrimination), investigations into complaints, etc.
- Medical records, requested leaves of absence, the grant/denial of any such requests, etc.
- Any records reflecting the race, national origin, and disability-related status of the employees

These categories of documents are all clearly discoverable. These categories are reasonably calculated to reveal if Defendants have engaged in systemic practices of discriminating against certain groups in hiring, promotions, pay, or discipline—issues that are central to this lawsuit. These categories will also reveal the qualifications of Defendants' employees, which is reasonably calculated to reveal if Defendants have a practice of systemically hiring/promoting/rewarding individuals from certain groups (white, American, no disability, etc.) despite them having the same or worse

¹ RFPs G-X request personnel documents of Tish McAlpin, Seth Talbott, Kambiz Yaraei, Lobat Kimiai, Michelle Olson, Bia Remen, Terry Craig, Chris Cano, Flo Siguenza, Jennifer Adams, Maria Fox, Lyndon Capon, Jennifer Tager, Chari Sewell, Crystal Priddy, Jerry Mixon, Jason Foltz, and Sarah Bingisser. RFP Y requests personnel documents of Bob Wagner, Michelle Prevette, and Josh Glandon.

Angela R. Vogel, Esq.

July 8, 2014

Page 3

qualifications than individuals of certain minority groups. Medical and related records, meanwhile, are clearly relevant to reveal Defendants' treatment of individuals with disabilities—a central issue in this case, given that Plaintiff has raised claims of disability discrimination.

Your letter from July 8, 2014, however, states that Defendant will not produce the requested personnel documents, even after Plaintiff has voluntarily narrowed the scope of production to the above categories. At this point, the discovery cut-off is quickly approaching. Meanwhile, Defendant's production is more than five months overdue, and your office continues to categorically refuse to produce any personnel documents for anyone other than named parties in this lawsuit—a position that is simply untenable under federal court precedent, including rulings from the Western District of Washington.

Given Plaintiff's numerous attempts to resolve this dispute, including a real-time telephonic conference in March 2014 and my subsequent written offer to narrow the scope of production, Plaintiff has fulfilled all obligations to confer on this issue.

If Defendant is willing to reconsider its categorical refusal to produce the requested documents, then I ask you to call my office this afternoon or tomorrow, July 9, 2014 so that we can confer again on this issue. I am available for a conference any time before 5:00 pm. Otherwise, given the months-long delay in production, Plaintiff will have no choice but to move the Court for relief. I hope Defendants are willing to resolve this dispute informally, and if so, I look forward to discussing this issue with you tomorrow.

Very truly yours,

THE BLANKENSHIP LAW FIRM, P.S.

A handwritten signature in black ink, appearing to read 'P. Woods', with a long horizontal flourish extending to the right.

Paul S. Woods

cc: file